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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,100	07/28/2003	William Maurice Jamieson		4295

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EXAMINER

LAUX, JESSICA L

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/628,100	Applicant(s) JAMIESON, WILLIAM MAURICE	
	Examiner Jessica Laux	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: On page 6, line 5 change "he" to "the".

Appropriate correction is required.

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 1-15 have been renumbered 2-16 as well as all dependencies therefrom. This examination will be in regards to renumbered claims 2-16.

Claims 4-5 and 9-10 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claims do not further limit the claim because claim 2 recites the same limitations of "the top channel is narrower than the bottom channel", "the top channel has a base with two flexible arms ...", "the bottom channel is wider than the top channel (also same as claim 4)", "the bottom channel has a base and two rigid projections extending inwards from said base".

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 3 and depending are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In the instant case the original disclosure is not enabling for a bottom channel with two *rigid* projections.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 6, 7 and 11-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 3: It is unclear whether the "series of four-sided blocks... mounted to a supporting surface" are the same as or different from the blocks and supporting surface of claim 2. Further, there is lack of antecedent basis in the claim for the limitation "the top surface".

Regarding 6 and 11-13: Claims 6 and 11-13 recite the limitations "said projection" and/or "the projection". It is unclear to which projection the claims refer as the claims from which they depend recite a flexible projection and a rigid projection.

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Regarding claim 7: Claim 7 recites the limitation "the bias angles". There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 14: Claim 14 recites the limitation "the void created by the gap". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright (6588165).

Regarding claims 2, 4-5, 9-10: Wright discloses a mounting devices for panels comprising: a series of blocks (WP) strategically placed on a predetermined grid fastened to a supporting surface (WW and Col. 4, lines 35-38 where the arrangement of the furring or framing constitutes a predetermined grid) through a counter bored hole (figure 1A element 26); an elongated inverted top channel (10) consisting of a base (12) and two flexible projections (16) extending from that base, fastened to a supporting surface (where element 20 is a supporting surface that the top channel is fastened to) between said blocks; an elongated finished bottom channel (20) that is wider than the top channel, consisting of a base (22) and two rigid projections (24) extending from that base, extending towards the top channel and supported by the top channel by a locking step (figure 1b).

While Wright does not expressly disclose that the mounting devices and panels are for a ceiling system Wright does disclose that they are for use with a wall covering system. Applicant has disclosed in the specification paragraph 0003 that the instant invention is capable of being used as a molded ceiling or wall system. Therefore applicant's invention is structurally and functionally equivalent to the mounted devices for panels disclosed by Wright and as such is not patentably distinguished from the prior art.

Regarding claim 3: The system of claim 2, wherein a series of four-sided blocks (WP) with a center hole penetrating the top surface (where the screw is, figure 1C) are mounted to a supporting surface in predetermined locations (figure 1C; Col. 4, lines 38-41).

Regarding claim 6: The system of claim 5, wherein each flexible projection continues for a distance and forms a bias away from the end of said projection to the outside of the projection and back towards the base (then end of elements 16 as shown in figure 1A).

Regarding claim 7: Wright discloses the system of claim 6, wherein the bias angles continue for a distance and turn inwards towards the side of the projection but does not expressly disclose that the bias angles continue for a distance and turn inwards towards the side of the projection to form a right-angled triangle. Applicant has not disclosed that having the bias angles continue for a distance and turn inwards towards the side of the projection to form a *right-angled triangle* solves any stated problem or is for any particular purpose, further applicant discloses in the specification

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on page 7, that any tapered flexible side is suitable. Moreover, it appears that the flexible projections of Wright, or applicant's invention, would perform equally well with the bias angles continue for a distance and turn inwards towards the side of the projection to form any angled triangle.

Accordingly, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified Wright such that the bias angles continue for a distance and turn inwards towards the side of the projection to form a right-angled triangle because such a modification would have been considered a mere design consideration which fails to patentably distinguish over Wright as Applicant's invention and Wright's are structural and functional equivalents.

Regarding claim 8: The system of claim 7, wherein the right-angled triangle (as above) is smaller than the full length of the flexible projection (figure 1A).

Regarding claims 11-13: Wright discloses the system of claim 10, wherein each rigid projection continues for a short distance from the end of said projection to the inside of the projection and for a short distance toward the base and parallel to the side of the rigid projection (figure 2B) and turns outwards parallel to the base to form a quadrangle (a four-sided polygon). However Wright does not expressly disclose each rigid projection continues for a short distance from the end of said projection to the inside of the projection and *parallel to the base* (as in claim 10) or that each rigid projection turns outwards parallel to the base and *perpendicular to the projections* (as in claim 12).

Applicant has not disclosed that having the claimed parallel and perpendicular arrangement of the projection solves any stated problem or is for any particular purpose, as it is not disclosed in the specification as being arranged as claimed. Moreover, it appears that the rigid projection of Wright, or applicant's invention, would perform equally well with either arrangement.

Accordingly, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified Wright such that the projection had the claimed parallel and perpendicular arrangement because such a modification would have been considered a mere design consideration which fails to patentably distinguish over Wright.

As best understood by the examiner:

Regarding claim 14: The system of claim 13, wherein the height of the quadrangle is slightly less than the void created by the gap between the base of the right-angled triangle from the top channel and the plane of the base of the top channel as stated in claims 8 and 9 (figures 1B and C).

Regarding claim 15: Claim 15 recites a method limitation in an article claim and as such does not patentably distinguish over the prior art. As long as the prior art is structurally equivalent to the claimed apparatus and is capable of the claimed method the claimed limitations are anticipated by the prior art. In the instant case, the system of Wright is capable of having the bottom channel, as stated in claim 9, placed over the top channel, as stated in claim 4, whereby the flexible projections of the top channel compress to allow the rigid projections of the bottom channel to receive same.

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Regarding claim 16: Claim 16 recites a method of assembly limitation in an article claim and as such does not patentably distinguish over the prior art. As long as the prior art is structurally equivalent to the claimed apparatus and is capable of the claimed method the claimed limitations are anticipated by the prior art. In the instant case, the system of Wright is capable of having the locking step formed by the insertion of the flexible right-angled projections from the top channel into the rigid projections of the bottom channel.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Laux whose telephone number is 571-272-

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8228. The examiner can normally be reached on Monday thru Friday, 8:30am to 4:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naoko Slack can be reached on 571-272-6848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL

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11/28/06


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